IN THE CLAIMS

1. (Three Times Amended) A method for generating an immune response against one or more intracellular pathogens within warm-blooded animals, comprising:

(a) administering to a warm-blooded animal a gene delivery vehicle comprising a polynucleotide encoding at least one immunogenic portion of an antigen obtained from an intracellular pathogen; and

(b) administering to said warm-blooded animal at least one protein which comprises at least one of said immunogenic portion of said antigen, such that an immune response against the intracellular pathogen is generated.

5. (Three Times Amended) The method according to claim 4, wherein said viral antigen is obtained from a virus selected from the group consisting of hepatitis, feline immunodeficiency virus (FIV), and human immunodeficiency virus (HIV).

25. (Amended) The method of claim 14, wherein the gene delivery vehicle comprises naked DNA.

Attached hereto is a page titled "Version with markings to show changes made to claims" as well as a currently pending claim set.

II. REMARKS

Claims 1-5, 12, 13, 24 and 25 were pending and were rejected under 35 U.S.C. § 112, first paragraphs. Applicants note with appreciation that the rejections under 35 U.S.C. § 112, second paragraph were not reiterated in the Advisory Action and, accordingly, are considered withdrawn.

Overview of the Amendments

Claim 1 was amended in the parent case to be directed to a method that generates an immunological response to an intracellular pathogen. The Advisory Action alleges that the amendment raises "new matter issue because an immune response is described in the instant specification only in terms of therapeutic benefit ... for example as it relates simply to generating antibodies in an animal, is not literally or figuratively supported by the instant specification." (Advisory Action).